

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 473 of 1996
with
CIVIL APPLICATION No 8450 of 1996

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

PARBHUBHAI PARSHOTTAMBHAI

Versus

USHABEN WD/O JAYESHKUMAR PRABHUBHAI PATEL

Appearance:

MR BM MANGUKIYA for Appellant/Applicant
MRS KETTY A MEHTA for Respondent/Opponent
No. 1, 2, 3, 4, 5

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 24/11/98

ORAL JUDGEMENT

#. Heard the learned counsel for the respective parties.

#. During the course of the hearing and discussion, Mrs. Mehta, learned counsel for the respondents made a statement on instructions that the suit is ripe for hearing. In that context, she further submitted that the

interests of justice would not necessarily be served by deciding the present appeal on merits and that it is desirable to direct the trial court to hear and dispose off the pending suit as expeditiously as possible and within a specified time frame. Mr. Mangukiya, learned counsel for the appellant was not able to resist the suggestion particularly when it was clarified that if this course is adopted, the order impugned in the present appeal would not operate until the suit is decided, but the order passed in the above Civil Application would continue to operate.

#. On the aforesaid basis, it is directed that the trial court shall hear and dispose off the Special Civil Suit No. 517/93 as expeditiously as possible and in any case not later than 28th February, 1999. In the meanwhile, the order impugned in the present appeal shall not operate, but the order passed in the above Civil Application shall continue to operate.

#. Learned counsel for the respective parties have assured this Court that the respective parties shall cooperate with the trial court in the early disposal of the suit as directed. However, in case the suit is not disposed of by due date, and in case a finding is recorded by the trial court after hearing the parties that the non-disposal of the suit is not on account of the defendant, it shall be open to the defendant to apply for the modification of that order which would be operative at that point of time by virtue of this order.

#. It is accordingly so directed.

#. In view of the aforesaid observations and directions, the present appeal is not pressed for any further relief and therefore, the same is not decided on merits and the same is disposed off with no order as to costs. Consequently subject to the aforesaid observations and directions, the above Civil Application also stands disposed off with no order as to costs.

pirzada/-